

United States District Court
Eastern District of Michigan

United States of America
v.
Ruben Valdovino-Reyes
Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 05-80693

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- “ there is probable cause to believe that the defendant has committed an offense
- “ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or _____;
- “ under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

“ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

“ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- X (a) nature of the offense–alien re-entry without permission
- X (b) weight of the evidence–defendant found at Ambassador bridge using a false passport
- X (c) history and characteristics of the defendant -repeated offenses for alien related offenses
 - “ 1) physical and mental condition–not relevant
- X 2) employment, financial, family ties–no ties to ED MI, minimal ties to US, unemployed, there is an INS hold on defendant
- X 3) criminal history and record of appearance–significant prior record for immigration offenses and accessory to murder, arrests for controlled substances
- X (d) probation, parole or bond at time of the alleged offense – not permitted in USA
- X (e) danger to another person or community.–prior record indicates some danger.

Def. Is illegal alien, at least two prior deportations for aggravated felonies, convicted of accessory to murder involving firearm and arrested for possession of controlled substances, later reduced to false ID. Numerous aliases, false dates of birth, lack of ties to U.S. and E.D. of Michigan.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

August 4, 2005

Date

s/Virginia M. Morgan

Signature of Judge

Virginia M. Morgan, United States Magistrate Judge

Name and Title of Judge